

December 6, 2006

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, December 6, 2006, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Horwich.

3. ROLL CALL

Present: Commissioners Browning, Busch, Gibson, Horwich, Uchima, Weideman and Chairperson Faulk.

Absent: None.

Also Present: Sr. Planning Associate Santana, Planning Assistant Hurd, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

4. POSTING OF THE AGENDA

Sr. Planning Associate Santana reported on the posting of the agenda.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENT

Sr. Planning Associate Santana noted that Agenda Item 10A (DIV06-00014: Don Wilson Builders) had been withdrawn and that the applicant had requested that Item 8A (CUP06-00004, DIV06-00005, PRE06-00011: Mike Adli) be continued indefinitely.

MOTION: Commissioner Browning moved to continue Agenda Item 8A indefinitely. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

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Chairperson Faulk reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

Deputy City Attorney Whitham noted that Commissioners were invited to attend an open house by one of tonight's applicants, however, she recommended that they not do so due to concerns about a potential Brown Act violation.

7. TIME EXTENSIONS – None.

8. CONTINUED HEARINGS

8A. CUP06-00004, DIV06-00005, PRE06-00011: MIKE ADLI

Planning Commission consideration of a Conditional Use Permit to allow a four-unit condominium development, a Division of Lot for condominium purposes, and a Precise Plan of Development to allow the construction of four two-story units with semi-subterranean parking on property located in the Hillside Overlay District in the R-3 Zone at 332 Paseo de la Playa.

Continued indefinitely.

9A. WAIVERS - None.

10. FORMAL HEARINGS

10A. DIV06-00014: DON WILSON BUILDERS

Planning Commission consideration for approval of a Division of Lot to allow a flag lot subdivision of one parcel into two parcels on property located in the R-1 Zone at 2144 237th Street.

Withdrawn.

10B. PRE06-00027: APEX BUILDERS (RICHARD BACK)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a second-story addition to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 2529 Ridgeland Road.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Richard Back, building contractor, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 8, which requires the applicant to replace areas of lifted/ground sidewalk along the property frontage. He explained that most of the sidewalks in the neighborhood have been replaced by the City at taxpayers' expense and neighbors who are in the process of remodeling their residence at 2527 Ridgeland Road were not subject to this requirement.

Referring to Code requirements, Mr. Back reported that it will not be possible to underground utilities because the power pole is located on an adjacent property and the property owner has indicated that he will not allow access. With regard to the Code requirement that all portions of the residence be at least five feet from the pool, he explained that there is an existing non-conforming setback of four feet and it was not feasible to move the back wall of the house one foot. He also noted that it would not be possible to install temporary fencing around the property during construction because

the applicants intend to live on there, however, there is an existing fence around the pool with a locked gate that will remain intact.

Sr. Planning Associate Santana advised that Code requirements may not be modified by the Planning Commission, but there is a Waiver process handled by the Building and Safety Department if certain criteria are met. He noted that the applicant will be allowed to maintain the existing four-foot setback for the pool, however, the new second-floor deck will have to comply with the five-foot setback requirement.

Associate Civil Engineer Symons clarified that the replacement of the sidewalk is a Code requirement and recommended that Condition No. 8 be deleted. He explained that an applicant will not be required to replace lifted sidewalk caused by a street tree.

Commissioner Browning related his understanding that the stairway does not have to be double counted when calculating the Floor Area Ratio if the distance between the first floor and the ceiling is less than 17 feet, which would mean that the proposed project's FAR would be .50 rather than .52 as listed in the staff report.

Sr. Planning Associate Santana clarified that the measurement is taken from the finished floor on the first level to the top of the roof, which in this case is approximately 20 feet.

Chairperson Faulk noted that the Commission has the discretion to approve a project with an FAR in excess of .50.

Mr. Back pointed out that the 5300 square-foot lot is smaller than average and the project's FAR would be well under .50 on a typical 6000 square-foot lot.

Carlos Enriquez, 2542 Ridgeland Road, voiced support for the project.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

MOTION: Commissioner Browning moved for the approval of PRE06-00027, as conditioned, including all findings of fact set forth by staff, deleting Condition No. 8. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-130.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 06-130 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

10C. PRE06-00031: CHARLES BELAK BERGER (SUZANNE BUTLER)

Planning Commission consideration for approval of a Precise Plan of Development to allow a second-story addition to an existing two-story, multiple-family residence on property located in the Hillside Overlay District in the R-3 Zone at 336 Paseo de la Playa.

Recommendation

Denial.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the preparation of the agenda item.

Suzanne Butler, 336 Paseo de la Playa, owner of the subject property, stated that she would like to enlarge her residence, which encompasses the second floor of the five-unit apartment building, so that she will have room for her extended family when they come to visit. She explained that the building is tiered like a wedding cake and the proposed addition would square off the building as this is the safest and least expensive way to expand. She reviewed the revisions made to address neighbors' concerns about earlier plans, including eliminating 147 square feet on the north side of the addition and changing from a gable to a hipped roof. She noted that the project meets all requirements and that it is 10 feet under the maximum height allowed.

Ms. Butler reported that her efforts to meet with neighbors to discuss their concerns were met with hostility and several neighbors prohibited her from entering their units, however, she was able to look at a vacant unit with a realtor and subsequently made revisions to the project to mitigate the view impact.

Richard Knickerbocker, applicant's legal counsel, stated that property owners have no view rights except for those granted under the Hillside Ordinance and stressed the need to balance those rights against a property owner's right to develop his or her property. He maintained that the neighbors who are most impacted by the project live in condominium units that were illegally enlarged by enclosing balconies and now have double the allowable FAR and suggested that it was unfair to deny Ms. Butler an opportunity to remodel her unit just because someone else has "gotten away with murder."

Ina Elminoufi, owner of 163 Paseo de la Concha, #12, voiced objections to the project because it would totally obstruct the view from Unit #5. She reported that balconies in this condominium project were enclosed some time ago and maintained that whether or not they were permitted was not relevant to this discussion.

Nicole Adams, owner of 157 Paseo de la Concha, #3 and #4, stated that the proposed project would completely take away the view from the dining room of Unit #3.

Treva Merritt, 163 Paseo de la Concha, #6, reported that she has owned and lived in this unit for over 30 years and the balconies were already enclosed when she moved there. She expressed concerns that the proposed project would devalue her

home and undermine her financial security because it would take away approximately 70% of her view.

Mary Colin, South Bay Management Services, property manager for 163 Paseo de la Concha, reported that Unit #5 was on the market and sold for \$759,000, however, once the silhouette went up, the buyers were reluctant to complete the purchase and the price was subsequently reduced to \$699,000. She contended that this loss of value was indicative of what would happen throughout the development should the proposed project be approved. She suggested that Ms. Butler could obtain the space she needs without impacting the view by taking over another unit in her building.

Commissioner Browning noted that he attempted to gain entry to the 163 Paseo de la Concha property several times but was unable to do so, therefore, he had to find another way to assess the view impact.

Ms. Colin advised that commissioners simply needed to press “management office” on the intercom system and someone in the office would have released the latch on the gate.

Commissioner Busch reported that he did what Ms. Colin suggested and was denied access.

Rex Farnsworth, 163 Paseo de la Concha, #8, voiced objections to the project, explaining that he has three “peek-a-boo” views and one would be blocked by the proposed addition.

Raymond Bailey, 157 Paseo de la Concha, #3, reported that the view from his dining room window would be obliterated by the project.

Eli Cohen, 336 Paseo de la Playa, #B, expressed support for the project, noting that he lives in Ms. Butler’s building and found her to be a generous and caring woman.

Mike Adli, owner of 328 Paseo de la Playa, also voiced support for the project, stating that properties on this street are in need of improvement and this project would only increase the value of everyone’s property.

Paul Buono, Ms. Butler’s son, wanted to make clear that this project is not motivated by greed and his mother’s sole purpose for expanding her home is to enhance the time spent with her family. He stated that his mother has tried very hard to accommodate neighbors and urged approval of the project as submitted.

Zoltan Katinszky, 2235 Sepulveda Boulevard, reported that he and Ms. Butler operate a business in Torrance, which employs approximately 20 people, and that she is an active member of this community. He contended that the project’s impact on views would be relatively minor and commented on the considerable amount of time and money Ms. Butler has spent trying to get it approved. He noted that it would be more profitable for Ms. Butler to demolish the apartment complex and build condominiums but she has elected not to do so.

MOTION: Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Commissioner Browning reported that he viewed the silhouette from several vantage points and observed some minor and some major impacts on view, therefore, he could not support the project. He cited the fact that he was able to watch dolphins swim in the ocean through the silhouette when he visited 157 Paseo de la Concha.

Commissioner Weideman stated that he also could not support the project because he observed that it would have an undeniable adverse impact on the view of properties in the vicinity.

Commissioner Busch indicated that he also observed significant view blockage and could not support the project.

MOTION: Commissioner Browning moved to deny PRE06-00031 without prejudice. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-131.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-131. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

The Commission recessed from 8:20 p.m. to 8:30 p.m.

11. **RESOLUTIONS** – None.
12. **PUBLIC WORKSHOP ITEMS** – None.
13. **MISCELLANEOUS ITEMS** – None.
14. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.
15. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Sr. Planning Associate Santana reviewed the agenda for the December 20, 2006 Planning Commission meeting.

The Commission briefly discussed whether to cancel the January 3, 2007 Commission meeting.

MOTION: Commissioner Weideman moved to cancel the January 3, 2007 Commission meeting. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

16. **ORAL COMMUNICATIONS**

16A. Commissioner Gibson requested an excused absence for the December 20 Commission meeting as she will be out of town.

Commissioner Browning, seconded by Commissioner Weideman, so moved; voice vote reflected unanimous approval.

16B. Commissioner Weideman asked about the petition Commissioners received in the agenda packet, which mistakenly claims that the Planning Commission was involved in the selling of the former water yard site at 1001 Elm Street for residential development.

Sr. Planning Associate Santana explained that the petition was forwarded to Planning Commissioners because it was addressed to them, however, the authors of the petition were misinformed because the Commission has never discussed this site.

Commissioners asked that the authors of the petition be notified that the Planning Commission had no involvement in this issue, as well as the Mayor and City Council who also received copies of the petition.

16C. At Commissioner Browning's request, Sr. Planning Associate Santana provided clarification regarding the sign-off process for minor modifications in the Hillside Overlay area.

16D. Commissioner Gibson wished everyone happy holidays.

16E. Commissioners and Chairperson Faulk commended Sr. Planning Associate Santana for doing an excellent job in Planning Manager Lodan's absence.

17. ADJOURNMENT

At 8:37 p.m., the meeting was adjourned to Wednesday, December 20, 2006, at 7:00 p.m.

Approved as Submitted January 17, 2007 s/ Sue Herbers, City Clerk
